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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	<b>CASE NO. CR 21-mj-70620-MAG</b>
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER AS TO
	)	WAIVER OF TIME AND TO CONTINUE
v.	)	ARRAIGNMENT
	)	
DANIEL BARILI,	)	
	)	
Defendant.	)	

The United States, by and through its counsel of record, and defendant, Daniel Barili by and through his counsel of record (collectively, the “Parties”), agree and stipulate:

Whereas, a status conference is currently scheduled for January 25, 2022, at 2:00 p.m.

Whereas, the Parties agree and stipulate herein that time shall be waived under Rule 5.1(c) (time for a preliminary hearing) and 18 U.S.C. § 3161(b) (requiring any information or indictment be filed within 30 days of arrest). The Parties further agree that this waiver of time is necessary for the review of discovery by the defense, for defense counsel to consult with his client, and to discuss possible pre-indictment resolution of the case. The Parties also agree and acknowledge that a pre-indictment resolution may not be reached.

Whereas, the Parties agree that the defendant has waived time for purposes of 18 U.S.C. § 3161(b)

1 and Rule 5.1(c), specifically, that time be waived from January 25, 2022 to March 30, 2022, for purposes  
2 of 18 U.S.C. § 3161(b) and Rule 5.1(c), that the preliminary hearing need not occur until March 30, 2022,  
3 and that the government need not file an information or indictment until March 30, 2022.

4  
5 Respectfully submitted,

6 DATED: January 20, 2022

STEPHANIE M. HINDS  
United States Attorney

7  
8 /s/ Jeffrey A. Backhus

JEFFREY A. BACKHUS  
Assistant United States Attorney

9  
10  
11 DATED: January 20, 2022

/s/ Dejan Gantar

DEJAN GANTAR  
Assistant Federal Public Defender  
Attorney for Defendant  
Daniel Barili

[PROPOSED] ORDER

Upon agreement and stipulation of the United States, the defendant Daniel Barili, and their respective counsel of record, and good cause appearing, IT IS HEREBY ORDERED that time be waived from January 25, 2022, to March 30, 2022, for purposes of 18 U.S.C. § 3161(b) and Rule 5.1(c), that the preliminary hearing need not occur until March 30, 2022, and that the government need not file an information or indictment until March 30, 2022. Additionally, the preliminary hearing or arraignment on the information or indictment should be continued from January 25, 2022, to March 30, 2022, at 2:00 p.m.

IT IS SO ORDERED.

DATED:

HON. VIRGINIA K. DEMARCHI  
United States Magistrate Judge